



# MARYLAND DEPARTMENT OF THE ENVIRONMENT

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ORIGINAL

Robert L. Ehrlich, Jr.  
Governor

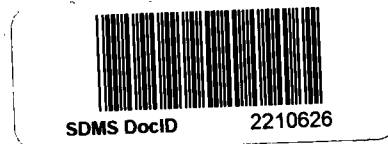
Michael S. Steele  
Lieutenant Governor

August 8, 2006

Kendl P. Philbrick  
Secretary

Jonas A. Jacobson  
Deputy Secretary

David S. Meiskin, Managing Member  
Herron 393, LLC  
Pond Road Center  
4345 Route 9, Suite 28  
Freehold, New Jersey 07728



Re: Voluntary Cleanup Program Application  
Herron Area 2 Property  
Elkton, Maryland 21921

Dear Mr. Meiskin:

The Voluntary Cleanup Program ("VCP") of the Maryland Department of the Environment ("Department") has reviewed the application package for the Herron Area 2 property, a portion of Herron Farm located north of Zeitler Road between Little Elk Creek and Laurel Run, Elkton, Cecil County, Maryland. Please submit written responses to the enclosed comments so that a final evaluation of the application package can be completed by the VCP. The requested information must be accompanied by another statement of certification as found in Section XIV of the application.

After evaluating the additional information, we will notify you in writing whether the property has been accepted for participation in the VCP. The evaluation will be finalized as soon as possible following the Department's receipt of the requested information.

If you have any questions regarding the enclosed comments or other aspects of the program, please contact Irena Rybak, the project manager, or me at 410-537-3493.

Sincerely,

James W. Metz, Chief  
Voluntary Cleanup/Brownfields Division

JWM:ir  
Enclosure

cc: James B. Witkin, Esq., Linowes and Blocher LLP  
Ms. Lorie Baker, EPA  
Mr. Horacio Tablada  
Mr. James R. Carroll  
Ms. Irena Rybak

## **Voluntary Cleanup Program (VCP)**

### **HERRON AREA 2**

**Herron Farm, portion north of Zeitler Road between Little Elk Creek  
and Laurel Run**

**Elkton, Cecil County, Maryland 21921**

### **Comments on the VCP Application Package**

#### **Application**

- 1) Please provide a title abstract of the property summarizing the previous owners and include subdivisions and consolidations, if applicable. A copy of the Commitment for Title Insurance and prepared by the LandAmerica Commonwealth and included in the application package, does not fulfill the required title abstract. The title abstract may be presented as a table or a chart and must list each owner of the property, land use, and dates of property ownership.
- 2) Please provide a legal description of the Herron Area 2 portion of the property, included in VCP application, that will become the subject of the final VCP document.
- 3) Please submit photographs verifying that a public notice, regarding the application of the VCP, was posted on the property as required by Section 7-506 (d) of the Environmental Article, Annotated Code of Maryland.

#### **Phase I Site Assessment Report (Phase I ESA)**

##### **1) Section 3.2.5.1 MDE FUDS Site Inspection Report**

The VCP concludes that an ASTM Phase II environmental site assessment (Phase II ESA) is necessary for the property because of the recognized environmental conditions identified in the Phase I ESA. Please submit a work plan for the Phase II ESA for review and approval by the VCP. The work plan should be submitted prior to implementation and completion of the Phase II ESA. The work plan should include a complete delineation of Munitions and Explosives of Concerns (MEC), Materials Potentially Possessing an Explosive Hazard (MPPEH), and Munitions Debris (MD) within 1095 feet of the burn pits located at Herron Area 3, see attached map. The 1095 feet distance was established based on the Munitions with the Greatest Fragmentation Distance (MGFD) for Mk2 40 mm High Explosive (HE) Projectile described in InfoPro Corporation's report titled Final Work Plan for Investigation and Removal of MEC and Explosives Contaminated Soil Elkton Farms Firehole (Triumph Explosives) Elkton, Maryland. This report is available at

<http://www.epaossc.net/sites/1299/files/elkton%20farms%20work%20plan%20%28final%29%203%20feb%2006.doc>). The MEC survey must mimic the geophysical survey, supervised by the U.S. Environmental Protection Agency (EPA), presented in the Draft Geophysical Surveys to Investigate Surface and Subsurface Conditions at the Elkton Farm Firehole Site report completed by Tetra Tech EM Inc. and dated June 28, 2005.

- 2) If the delineation of chemicals of concern at Herron Area 3 indicates that the contamination extends to Herron Area 2, a complete delineation of identified chemicals of concern must be completed. The chemicals of concern at Herron Area 3 are: nitroaromatic compounds, including trinitrotoluene (TNT) and associated daughter compounds, perchlorate, arsenic, chromium, mercury, lead, polychlorinated biphenyls (PCBs), and trichloroethene.
- 3) Please note that the MDE's documents completed for Herron Area 3 property and cited in the Phase I ESA are not considered a complete Phase II ESA for this property.
- 4) The VCP will work with EPA to establish clean-up levels for MEC, MPPEH, and MD. The Phase II ESA work plan and Phase II ESA will be sent to EPA for review and approval.

5) Section 3.2.5.2 Records and Correspondence on Waste Removal Actions

Please collect soil samples in the chicken coop, outside of the chicken coop and outside of the dairy barn and analyze the soil samples for chemicals of concern identified in Herron Area 3. Although, during the EPA-supervised emergency removal action conducted in 1992, contaminated soil was removed from the chicken coop earthen floor, the extent of soil contamination was not delineated. The soil sampling plan must be included in the proposed Phase II ESA.

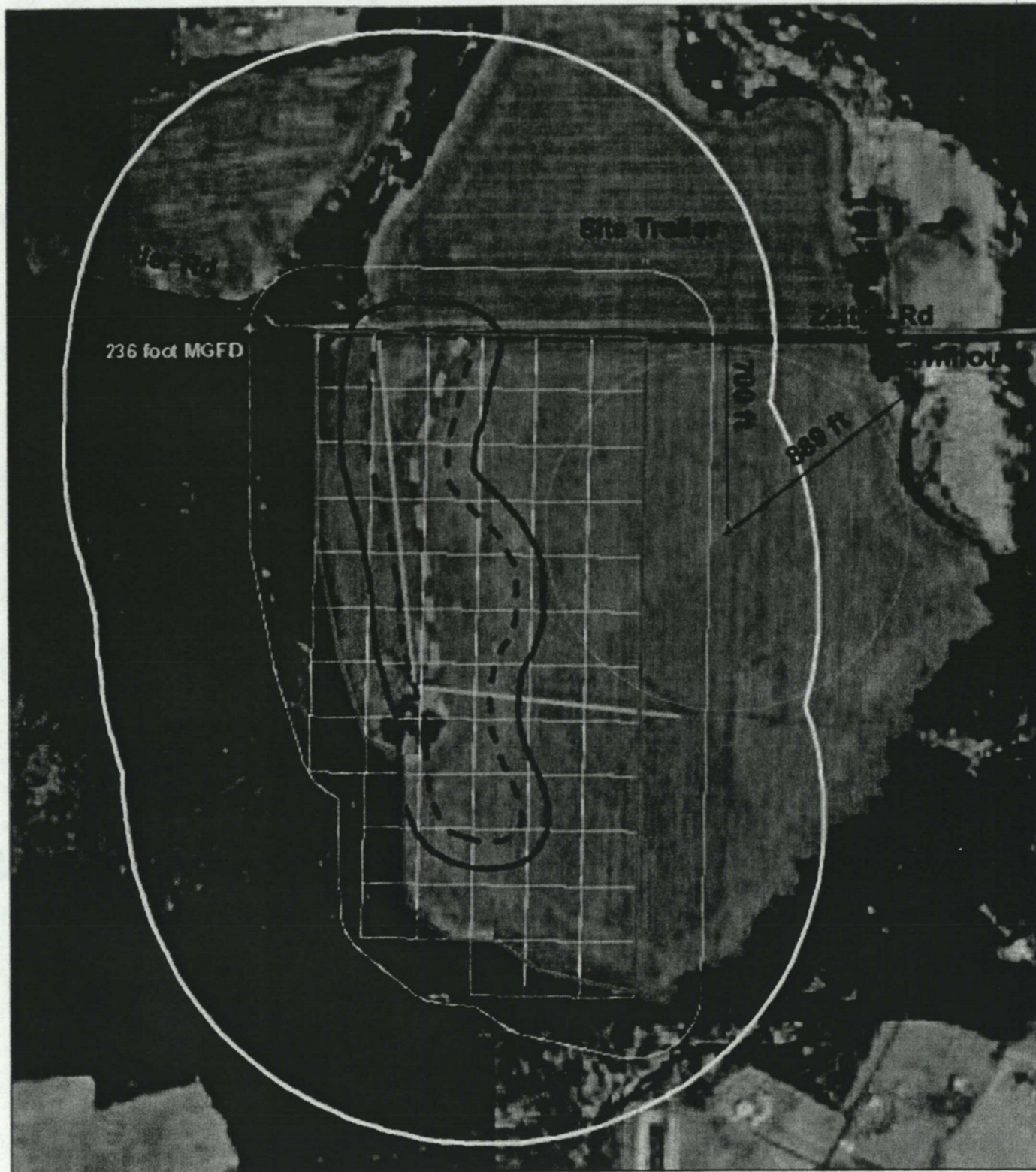
6) Section 4.2 Solid and Hazardous Waste Storage and Disposal

Drums and buckets filled with waste, observed during Phase I ESA, should be identified and properly disposed. If the waste can not be identified, waste sampling must be conducted prior to disposal. The area with observed soil staining must be sampled and delineated and the contaminated soil must be properly disposed. The assessment activities must be proposed in the Phase II ESA work plan.

7) Section 4.5 PCB Management

Please conduct a PCB survey of the property and determine if the identified transformer is a PCB transformer.





**NACVA** CONSULTING  
NATIONAL ASSOCIATION OF  
CIVIL ENGINEERS

Legend	
Site Trailer	100-foot High Intensity Area Buffer
Magazine Location	200 X 200 foot Grid
High Intensity Area	Powerline
655 foot Magazine Buffer	Gravel Road
236 foot MGFD Buffer	Zeller Road
Dump Area (5.5 acres)	
1095 foot MGFD Buffer	

1

0 290 580 870 Feet

**Elkton Farms Firehole Project**  
Elkton, Maryland

1095 Foot MGFD

Map Prepared for: InfoPro Corporation

Map Created: January 30, 2006